

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

**IN RE: SEARS, ROEBUCK AND CO.**

**CASE NO. 18-23538 (RDD)  
CHAPTER 11**

**MARTHA G. WEST**

**MOVANT**

**V.**

**SEARS, ROEBUCK and CO.**

**RESPONDANT**

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND ABANDONMENT**

Creditor, Martha G. West ("Creditor"), by and through her undersigned counsel, for her Motion for Relief from the Automatic Stay and Abandonment, filed in the case of the Debtor, Sears, Roebuck and Co., states:

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334 and 28 U.S.C. § 157(b)(2)(A) and (G). This Motion is filed pursuant to 11 U.S.C. §§ 362(d) and Federal Rules of Bankruptcy Procedure 4001 and 9014.

2. The Debtor filed for protection under Chapter 11 of Title 11 of the United States Code on October 15, 2018.

3. Creditor is an unsecured creditor in the Debtor's bankruptcy case who is a natural person who resides in the State of Arkansas.

4. On January 9, 2017, Debtor instituted a suit in the Circuit Court of Yell County, Arkansas, in Case No. 75SCV-17-2, entitled *Martha G. West v. Sears, Roebuck and Co.* A copy of the Complaint against Sears, Roebuck and Co. is attached hereto as Exhibit "1" and incorporated herein by reference. A copy of the Answer of Sears, Roebuck and Co. is attached hereto as Exhibit "2" and incorporated herein by reference.

5. Pursuant to 11 U.S.C. § 362(d), the bankruptcy court may grant relief from the automatic stay for cause, including to determine the liquidation value of the claim. Sufficient cause

exists for granting relief from the automatic stay.

6. Relief from the automatic stay is being sought to allow the Creditor to continue her action against the Debtor so that the actual amount of her claim can be determined.

7. Once the amount of the claim, its liquidation value, is determined, the Creditor can and will seek payment of the claim from Debtor's insurance carrier.

8. Relief is further being sought from the 14 days' stay of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

**WHEREFORE**, Creditor prays that its Motion for Relief from the Automatic Stay be granted so that Mrs. West may pursue her state law remedies to determine the liquidation value of the claim, and all other just and proper relief.

Dated: White Plains, New York  
March 29, 2019

**Respectfully submitted,**

**MARTHA G. WEST  
CREDITOR**

By: /s/ Lina Tirelli  
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